

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

PHILIP BURLING,

Defendant.

8:12CR211

ORDER

This matter is before the court on the oral motion of defendant Philip Burling (Burling) for an extension of the pretrial motion deadline. The motion was made during a hearing on a violation of pretrial release on August 3, 2012. The government had no objection to the motion. Burling acknowledged the additional time needed for his motion would be excluded under the calculations under the Speedy Trial Act. The oral motion was granted.

IT IS ORDERED:

1. Burling's motion for an extension of time to file pretrial motions is granted. Burling shall have **to on or before August 17, 2012**, in which to file pretrial motions in accordance with the progression order.

2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **from August 3, 2012, and August 17, 2012**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 3rd day of August, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge